THE HONOURABLE SRI JUSTICE V. ESWARAIAH

W.P. No.2240 of 2006

Date: 13-02-2006

Between:

Nalluri Bhasakara Rao,

S/o. Koteswara rao

37 years, R/o. 6-20-10, East Point Colony,

Visakhapatnam, China Waltair, Visakhapatnam.

… Petitioner

And

The State of A.P., represented by the

District Collector, Collector's Office,

Visakhapatnam and another.

… Respondents

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

The petitioner submits that he is the absolute owner of 470.5 square yards covered by Survey No.294/7 A&C of Mangamaripeta Hamlet of Kapulauppada Village, Bheemunipatnam Mandal, Visakhapatnam District having purchased the same vide registered sale deed bearing No.6619 of 2004 dated 10-11-2004 executed by one Saripalli Venkata Rao. It is stated that the vendor of the petitioner has got a saleable right and he is also having link documents to show that he is the absolute owner of the said property. It is also stated that for

construction of a pucca house, the petitioner submitted an application on 04-08-2005 along with requisite fee for approval of the plan but the Grampanchayat has not issued any sanctioned plan. Therefore, under the deemed provision, the petitioner started construction.

The Grampanchayat is not taking any action but the

2nd respondent, Mandal Revenue Officer, is interfering with the right of the petitioner in constructing the house without following due procedure prescribed under the law.

Learned Government Pleader for Revenue submits that the land in question might be a Government land, therefore, the revenue authorities are interfering with the construction of the petitioner.

Whether it is a Government land or the petitioner is the absolute owner of the property in question, is the matter to be decided in accordance with law. If it is a Government land,

it is for the revenue authorities to issue appropriate notice calling upon the petitioner to file an explanation, justifying their action but without following due procedure prescribed in law, the revenue authorities cannot take any action against the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the

2nd respondent, Mandal Revenue Officer, not to interfere with the peaceful possession and enjoyment of the petitioner except otherwise in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

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V. ESWARAIAH, J

Date: 13-02-2006

LSK